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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,172	01/31/2002	Yasuyu ITOH	217828US	6242
22850	7590	03/31/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			BAYAT, BRADLEY B	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/030,172

Applicant(s)

ITOH ET AL.

Examiner

Bradley Bayat

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/22/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

As per applicant's preliminary amendment filed on January 31, 2002, claims 1-23 are presented for examination on the merits.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1, 3-9, 11 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Barzilai et al. (hereinafter Barzilai), US Patent 6,012,045.**

As per the following claims, Barzilai discloses:

1, 11, 14. A bidding system/method/computer medium that receives bids from bidders by disclosing call-for-bid information that has been received from a bid caller calling for bids, and that receives information about a winning bidder determined by the bid caller based on that bidding information, comprising: bidding information receiving means for receiving bidding price range information sent by a bidder over a communication network; and fee calculating means for calculating a fee based on the bidding price range information received by the bidding

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information receiving means (column 2, lines 20-column 3, line 3; column 6, lines 27-37; see associated figures and description).

3, 17. The bidding system according to claim 1, wherein the bidding price range information is information made up of a predetermined price range including the bidding price (column 6, lines 27-37).

4, 18. The bidding system according to claim 1, wherein the fee calculation means calculates the fee using a table correlating the bidding price range information with fee information (column 15).

5, 19. The bidding system according to claim 1, wherein the fee calculation means calculates the winning bidding fee based on the winning bidder information and the bidding price range information (columns 15, line 60-column 17, line 16).

6, 20. The bidding system according to claim 1, wherein the bidding system further comprises, on a bidder's terminal, means for comparing the bidding price information entered by the bidder with bidding range information, and prompting the bidder reenter a bidding price in case of an inconsistency (columns 15, line 10-column 17, line 16).

7, 21. The bidding system according to claim 1, wherein the bidding system further comprises means for restricting participation in the bidding if a bidder does not agree to payment of the

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bidding fee (figure 4a and associated text).

8, 22. The bidding system according to claim 1, wherein the bidding system further comprises means for restricting participation in the bidding if a bidder does not enter a method for payment of the bidding fee (column 11-12).

9, 23. The bidding system according to claim 1, wherein the bidding system further comprises means for confirming a bidder's ability to settle payment, based on a method of payment of the bidding fee entered by the bidder, and means for restricting participation in the bidding if the bidder's ability to settle payment cannot be confirmed with that confirmation means (column 14, line 10-60).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 2, 10, 12, 13, 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barzilai ('045), in view of Naor et al. (hereinafter Naor), US 6,834,272 B1.**

As per claims 2, 10, 12, 13, 15 and 16 are Barzilai discloses a bidding system that receives bids from bidders by disclosing call-for-bid information that has been received from a bid caller calling for bids, and that receives information about a winning bidder

determined by the bid caller based on that bidding information, comprising: bidding information receiving means for receiving bidding price information and bidding price range information sent by a bidder over a communication network; bidding price information sending means for sending bidding price information received by the bidding information receiving means over the communication network to the bid caller; and fee calculating means for calculating a fee based on the bidding price range information received by the bidding information receiving means (see cited portions of rejection above). Barzilai does not explicitly disclose a bidding price information leakage prevention means for preventing the bidding price information received by the bidding information receiving means from letting the operator of the bidding system know. Naor, however, teaches a privacy protected negotiation and bidding mechanism wherein bidding information is protected (column 6, line 9-column 7, line 40). Naor utilizes various encryption techniques, including encrypting and decrypting public/private keys to effectuate a private transaction (column 10, line 27-42). It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the privacy mechanism taught by Naor in order to prevent an auctioneer to manipulate bidding by entering a higher bid to entice other bidders to beat.

*Corresponding dependent claims 17-23 of claim 2 are further rejected under Barzilai as noted above.*

*Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.*

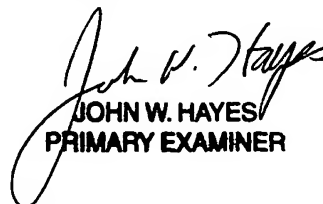
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley Bayat whose telephone number is 703-305-8548. The examiner can normally be reached on Tuesday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bbb

  
JOHN W. HAYES  
PRIMARY EXAMINER